

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Monday, June 28,	7:00 p.m.	10	
Held		20	

CALL TO ORDER:

1. The council meeting was called to order Monday, June 28, 2010 at 7:00 p.m. by President of Council Daryl Revoldt.

OPENING PRAYER:

2. The opening prayer was delivered by Rev. Melvin W. Lindbert.

PLEDGE OF ALLEGIANCE:

3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. Mr. Revoldt: Clerk, would you please call the roll.

The following members of Council responded to roll call: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt and Snyder. Also present were: Mayor Held, Director of Administration Wise, Director of Law Nilges, Director of Finance Zumbar, City Engineer Benekos, Superintendent of Permits & Inspection Hampton, Director of Economic Development Bowles, and Clerk of Council Kalpac.

CONSIDERATION:

5. Mr. Revoldt: Council has for its consideration this evening, minutes of the Council Meeting from June 14, 2010. We also have minutes for a Special Council Meeting of June 21, 2010 and a Financial Statement for May, 2010. Are there any questions or amendments to those documents?

Mr. DeOrio: Mr. President, I would move to approve those documents as submitted.

Mr. Davies: Second.

Mr. DeOrio moved and Mr. Davies seconded to approve minutes of June 14, 2010, Special Council Meeting Minutes for June 21, 2010 and Financial Statement of May, 2010. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0.

COMMITTEE MINUTES:

6. Mr. Revoldt: We also have for approval this evening Committee Minutes of an Executive Session for Finance and Property held on June 14, 2010 as well as an Executive Session for Personnel & Safety held on June 14, 2010 and June 21, 2010. We have Regular Committee Reports for Finance & Property; Community & Economic Development; Ordinance, Rules & Claims; Street & Alley; Water, Sewer & Rubbish all held on June 21, 2010 and Personnel & Safety, both held on June 21, 2010.

Mr. Snyder: Mr. President, I would move we accept as presented.

Mr. DeOrio: Second.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Monday, June 28,

7:00 p.m.

10

Held

20

Mr. Snyder moved and Mr. DeOrio seconded to **approve Executive Session and Committee Report Minutes** as submitted. All members present voting:

Yes: Kiesling (for Committee Report Minutes), Peters, Revoldt, Snyder, Davies, DeOrio.

Abstain: Foltz

Kiesling (Executive Session Minutes only)

No: 0.

Executive Session Minutes – Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Executive Session Meeting for Finance & Property Committee held on June 14, 2010.

Executive Session Minutes – Personnel & Safety Committee: Please refer to the minutes on file in the Council Office of the Executive Session Meetings for Personnel & Safety Committee held on June 14, 2010 and June 21, 2010.

Community & Economic Development Committee: Please refer to the minutes on file in the Council Office of the Community & Economic Development Committee held on June 21, 2010.

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held on June 21, 2010.

Ordinance, Rules & Claims Committee: Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held on June 21, 2010.

Personnel & Safety Committee: Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meetings, both held on June 21, 2010.

Street & Alley Committee: Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held on June 21, 2010.

Water, Sewer & Rubbish: Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held on June 21, 2010.

7. Mr. Revoldt: Item 7 is a Motion to appoint Mr. Dennis Weaver to the Income Tax Board of Review for a three (3) year term. He is the current incumbent and has done a very nice job.

Mr. DeOrio moved and Mrs. Kiesling seconded to appoint Mr. Dennis Weaver to the Income Tax Board of Review for a three (3) year term. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0.

RECOGNITION OF VISITORS:

8. Mr. Revoldt: Moving on to Recognition of Visitors. I am going to ask this evening that unless those in attendance have a comment directed to a specific ordinance under our consideration this evening, I would ask that they reserve their comments until the end of the meeting, if that's agreeable with everyone. Is there anyone here who wishes to comment either on Old or New Business, pending before this Council? Take a moment. Mr. Osborne.

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street, SE, North Canton, Ohio. Put these glasses on – it's getting so I need them. In January, 2008, the City of North Canton requested a performance audit to assess its administration and City management. Safety services, street operations and Civic Center. The City also requested the audit include the development of a five (5) year financial forecast. The Administration and City Council requested the performance audit to help identify cost savings and opportunities to seize efficiency. These words come from the first paragraph of the cover-letter of the Performance Audit completed by Mary Taylor, Auditor for Ohio, dated January 6, 2009. Recommendation 2.15 of the

RECORD OF PROCEEDINGS

COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Monday, June 28,

7:00 p.m.

10

Held

20

Performance Audit states, "The City should attempt to re-negotiate provisions within its employee bargaining agreements that exceed peers or industry standards. These provisions are costly to the City and successful re-negotiation could result in significant savings." The audit further states that, and I quote, "The City's collective bargaining agreement for patrolman, fire, and paramedic and clerical and service employees are comparable to peer cities in some areas, but more generous than peers or recommended practices in other areas." The audit listed seven (7) areas where North Canton's agreements exceed those of peers or recommended practices. These areas were maximum number of sick leave days accrued and sick-leave payout, 2. Vacation leave, 3. Sunday overtime, 4. Personal leave with pay, 5. Personal time with holiday, 6. Uniform allowance and stipends and, 7. Holiday counts as overtime. Unfortunately, the Performance Audit failed to identify another contract benefit, by all probability exceeds peers or recommended practices. This is the annual practice of providing Christmas bonuses to City employees. I refer to it as a Christmas bonus as it comes just before the Christmas holiday season. These annual payments are titled longevity pay in labor contracts with seven (7) unions representing City workers as well as in a City ordinance for seventeen (17) City employees who are classified as exempt. Language describing the longevity pay for contract and exempt City workers states, "All employees shall receive longevity pay at the pay rate of \$70 per year of full-time employment with the employer. Annual longevity payments shall be made during the first half of the month of December to all employees who have completed at least five (5) years of continuous service and who are employed by the employer on November 30 of the year in which the longevity payment is made." Five (5) of the union contracts as well as the language for exempt employees further expand the number of City employees who are eligible for the payments with added language stating, and I quote, "Any employee hired prior to August 1, 2003, shall begin to receive longevity after completion of three (3) years at the above rate." How much, one might ask, do these annual Christmas bonuses cost the citizens of North Canton? According to figures supplied to me earlier this year by Finance Director Alex Zumbar, longevity payments to all City employees are fairly a significant cost to the City. The annual cost to the City to provide longevity payments to City employees each December, just before Christmas for the past seven (7) years is, for 2003 it was \$81,360; 2004 - \$99,190; 2005 - \$106,400; 2006 - \$106,120; '07 - \$100,730; 2008 - \$99,400; and last year - \$102,340. For as long as I have been involved in North Canton City government, I had no idea City employees received such benefits. My question to any City Council official, or any City Official who can answer this, is, why have these costs not been openly discussed on the floor of Council? Surely, an elected body can report to its citizens how tax dollars are spent and the purpose of the expenditures. Taxpayers should not be kept in the dark about the business of government and deserve to know how their tax dollars are being spent and if those tax dollars are being spent prudently and wisely. Painting a broad brush on anything and everything related to personnel and cloaking those discussions in Executive Sessions behind closed doors does not provide accountability to taxpayers. Everyone in government talks a good game about transparency in government but no one works to make it happen. I say this because a number of Executive Sessions held by the North Canton City Council has multiplied exponentially in the last few years and I think this practice is being abused. When I was on Council in the early part of this decade, I do not believe I attended more than a handful of Executive Sessions in a whole year. Over the last year or two, City Council has an Executive Session every week. As for the Performance Audit which taxpayers expended over \$64,000, City leaders do not appear eager to follow through on areas where significant savings can result. This December, the estimated cost to provide a Christmas bonus, or should I say longevity pay, to City employees is a staggering \$102,550. From Mayor Held, I would like to ask, why have you elected to cut manpower and services over the last five (5) years, rather than seek elimination of labor benefits that exceed peers or industry standards and further inflate labor costs. In my entire forty (40) year working career, all I ever saw handed out at Christmas was a choice of a ham or a turkey. Unfortunately, in North Canton, City officials are turkeys for continuing such a practice and taxpayers are left, not with ham for Christmas, but with a lump of coal and growing deficits. I'd like to follow this up with a complaint and I will give this to the Law Director. This last Friday, there were numerous City personnel and numerous pieces of equipment working on and around the Hoover War Memorial. Furthermore, there was a City

DAYTON LEGAL BLANK, INC. FORM NO. 10148

	Held	Monday, June 28,	7:00 p.m.	10 20	
<p>employee injured on the site who had to seek medical care. This needs to be investigated and these kinds of practices nipped in the bud. (Inaudible – walking away from microphone) I also have photographs. I'll provide those later. There were probably at least six (6) City personnel who spent the better part of half a day doing this work and there were probably six (6) pieces of equipment there. Thank you.</p> <p>Mr. Revoldt: Is there anyone who wishes to address this Council on matters that is germane to legislation that we are going to consider this evening? Seeing none, let's move on to Old Business.</p> <p>OLD BUSINESS:</p> <p>9. Mr. Revoldt: I have a motion to read by title only, third reading, Ordinance No. 46-10.</p> <p>Mr. DeOrio moved and Mrs. Kiesling seconded to read by title only, third reading, Ordinance No. 46-10. All members present voting: Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling. No: 0.</p> <p>Ordinance No. 46-10 – 2nd Reading – Water, Sewer & Rubbish Committee An ordinance amending Chapter 927.07 RATES of the Codified Ordinances of the City of North Canton for the purpose of increasing the user rates for sewer users of the sanitary sewer system of the City of North Canton, repealing any and all legislation inconsistent herewith and declaring the same to be an emergency.</p> <p>Mr. Davies: Yes, we have had a study done by Arcadis of our sewer rates and so forth and because of the coming improvements to Canton's waste facility, because they want to raise our rates, and we have to put meters into our sewer lines and meter the flow as to how much is going into their system, our costs are going to be greatly increased. Arcadis recommended that we raise rates every year for four (4) years. We decided to raise rates for the latter half of 2010 and 2011 and see where things go. There's some talk that Canton may not have to do as large an update on their plant as was first forecast. We may not have to put permanent meters in our lines – we may just put temporary ones in and meter for a period of time. So, we don't know where things are going to go exactly but we do know Canton already raised our rates so we have no choice but to raise rates at this time. So, it would be for a year and a half and then we'll re-evaluate it at that time.</p> <p>Mr. DeOrio: I move for passage of Ordinance No. 46-10.</p> <p>Mrs. Kiesling: Second.</p> <p>Mr. DeOrio moved and Mrs. Kiesling seconded to adopt the third reading of Ordinance No. 46-10. All members present voting: Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters. No: 0.</p> <p>NEW BUSINESS:</p> <p>10. Mr. Revoldt: Moving on to new business, a motion to ready by title only, first reading, Ordinance No. 52-10.</p> <p>Mr. DeOrio moved and Mrs. Kiesling seconded to read by title only, the first reading, of Ordinance No. 52-10. All members present voting: Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters. Revoldt. No: 0.</p>					

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 28, 7:00 p.m. 10
20

Ordinance No. 52-10 – 1st Reading – Community & Economic Development

An ordinance accepting the recommendations of the City of North Canton Tax Incentive Review Council ("TIRC"), concerning the agreements granting exemptions from property taxation, to continue all nine (9) of the existing Community Reinvestment Area ("CRA") agreements and declaring the same to be an emergency.

Mrs. Kiesling: Yes, these are the nine (9) agreements we spoke about last week and received all the information on them. Any questions, concerns?

Mr. Snyder: Madam Chairman, I'd like to just report that all nine (9) of those are in total compliance with their obligation of both statutorily and to the City, so, that's the first time in all the years that I've done those, that they are all in compliance employment wise and tax wise.

Mrs. Kiesling: Thank you.

Mr. DeOrio: Mr. President, I move for passage of Ordinance No. 52-10.

Mrs. Kiesling: Second.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 52-10. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.

No: 0.

Mr. Revoldt: Motion to suspend the rules for Ordinance No. 52-10.

Mr. DeOrio moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 52-10. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0.

Mr. Revoldt: Motion to adopt under the rules, as suspended, Ordinance No. 52-10.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 52-10. All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0.

11. Mr. Revoldt: Item 11. A motion to read by title only, first reading, Ordinance No. 53-10. Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading**, Ordinance No. 53-10. All members present voting:
- Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.
- No: 0.

Ordinance No. 53-10 – 1st Reading – Personnel & Safety

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and the North Canton Professional Firefighter and Paramedic Association, IAFF Local 3489, and declaring the same to be an emergency.

Mr. Peters: Yes, this agreement has been in place for some time now. This is basically just a formality. Hans, do you want to maybe tell us why.

Mr. Nilges: Why – because this went through the conciliation process and neither party acted to oppose that and it just became a binding agreement between the parties as a matter of law.

Mr. Wise: If I may, just, this is a conciliation unit, but it went through the fact-finder which is the first step.

Mr. Nilges: Right – that's true.

g:\minutes 2010\6-28-10 cm minutes.docx

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held	Monday, June 28,	7:00 p.m.	10
			20

Mr. Wise: I mean, it's important, someone looking at it later – it did not go to conciliation...

Mr. Nilges: Pardon me...

Mr. Wise: ...it went to the fact-finding process.

Mr. Nilges: It went to the fact-finding process first. Neither party objected to the fact-finder's report, wasn't forced into the conciliation/arbitration process; therefore, it became a contract as a matter of law. Thank you, EJ.

Mr. Wise: Absolutely.

Mr. Davies: May I something, because I think this is important. This Agreement was in effect before Hoover closed and because the Administration had put into the contract that we could re-open the contract for negotiations if our City income fell by 10%. This was a re-opening. Is that not correct?

Mr. Wise: No, the...

Mrs. Kiesling: The one before it was.

Mr. Wise: Yeah, 2006 through August, I'm sorry, through July 31, 2009 was a three (3) year contract.

Mr. Davies: Okay, but...

Mr. Wise: The re-opener was beginning August 1, 2008 to re-negotiate the wage and then that contract had ended in July of 2009, and then this is the successor agreement.

Mr. Davies: Okay, this is the successor – but we did get concessions on this of some overtime and greater use of part-timers and so forth which has saved us, what in May, it was around \$7,000?

Mr. Zumbar: Yes.

Mr. Davies: And, not to refute, I'm not trying to get on your back, Chuck, but we did get savings and it was because of the audit and because fact-finders looked at it and said, hey, you know, the State of Ohio said they don't have the money, you've got to give something back and they did. So, you know, we are looking out and we got things back from the Police Department.

Mr. Wise: This agreement followed the pattern of the Police, the Police Dispatch and the Lieutenants...

Mr. Davies: I understand what Chuck's saying and we haven't talked a lot about these things in public but you don't do that when you're in negotiations – you just can't do that. But I can guarantee everybody here that this Council and the Administration has worked hard and we're planning right now for the next round of negotiations to try to get some of these things back. So we did make headway. We have saved quite a bit of money and particularly because we had the audit to show the fact-finder.

Mr. Wise: Well, this is a negotiation between the two (2) sides and what Mr. Nilges was referring to earlier, this is a conciliation unit. If either side rejects the fact-finder report, it then goes to a conciliator which then decides each issue and has to take one side or the other. It can't find anything in the middle. So, it's not...

Mr. Davies: Traditionally, the system's kind of been weighing towards the workers, not the City, and they tended to get what they wanted. So, if you let it go to conciliation, you may, because fact-finder kind of found some things for us – we gained, we could have lost and actually paid more. So, it's a gamble if you go to

RECORD OF PROCEEDINGS

REGULAR

Minutes of

Meeting

COUNCIL OF THE CITY OF NORTH CANTON

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 28, 7:00 p.m. 10
20

conciliation and as I say, in the past, it's been stacked towards the workers – it just has. So I thought that should be said.

Mr. Wise: Thank you.

Mr. Revoldt: Anyone else? May I have a motion to adopt the first reading of Ordinance No. 53-10.

Mr. DeOrio moved and Mrs. Kiesling seconded to **approve the first reading** of Ordinance No. 53-10. All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.

No: 0.

Mr. Revoldt: Motion to suspend the rules for Ordinance No. 53-10.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 53-10. All members present voting:

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.

No: 0.

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance No. 53-10.

Mr. DeOrio moved and Mr. Davies seconded to **adopt under suspension of the rules** Ordinance No. 53-10. All members present voting:

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.

No: 0.

12. Mr. Revoldt: Item 12. A motion to read by title only, first reading, Ordinance No. 54-10.

Mr. Peters moved and Mr. DeOrio seconded to **read by title only, first reading**, Ordinance No. 54-10. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.

No: 0.

Resolution No. 54-10 – 1st Reading – Personnel & Safety

A resolution authorizing the Mayor of the City of North Canton to enter into a Contract of Memorandum of Understanding by and between the City of North Canton ("Sub-grantee") and the Perry Township Police Department ("Lead Agency") to join and be a participating member of the Stark County OVI (Operating of a Vehicle while Intoxicated) Task Force for the period commencing September 1, 2010 and ending September 30, 2011 and declaring the same to be an emergency.

Mr. Peters: Yes, and a few points to add to that – no costs to the City and any planning meetings prior to will be attended by the Police Chief and will incur no overtime costs. Motion to approve.

Mr. DeOrio: Second.

Mr. Peters moved and Mr. DeOrio seconded to **approve the first reading** of Resolution No. 54-10. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0.

Mr. Revoldt: Motion to suspend the rules of Ordinance No. 54-10.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Resolution No. 54-10. All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0.

Mr. Revoldt: Motion to adopt under the rules as suspended, Ordinance 54-10.

Mr. DeOrio moved and Mr. Davies seconded to **adopt under suspension of the rules** Resolution No. 54-10. All members present voting:

g:\minutes 2010\6-28-10 cm minutes.docx

DAYTON LEGAL BLANK INC. FORM NO. 10148

	Held	Monday, June 28,	7:00 p.m.	10 20
	<p>Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz. No: 0.</p>			
13.	<p>Mr. Revoldt: Item 13. Motion to read by title only, first reading, Ordinance No. 55-10.</p> <p>Mr. Davies moved and Mr. DeOrio seconded to read by title only, first reading, Ordinance No. 55-10. All members present voting: Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz. Abstain: Kiesling. No: 0.</p> <p>Ordinance No. 55-10 – 1st Reading – Water, Sewer & Rubbish An ordinance authorizing the Mayor of the City of North Canton to enter into an Addendum to the Lease by and between the City of North Canton ("Lessor") and the North Canton Little League ("Lessee"), executed on December 26, 1998, to provide water for the irrigation of the Little League fields and declaring the same to be an emergency.</p> <p>Mr. Revoldt: Mr. Davies.</p> <p>Mr. Davies: We spoke about this last week. The North Canton Little League waters their field. The costs have gotten exorbitant and they were looking for a way to cut costs and suggested that a well be drilled and that the City would help them out by advancing \$15,000 for the cost of putting the well in which would be paid back to the City in five (5) equal payments over five (5) years, of \$3,000. There would be no interest but it would allow them to put the well and continue to water the fields and keep the quality of the fields up. So, I move that we approve.</p> <p>Mr. DeOrio: Second.</p> <p>Mr. Davies moved and Mr. DeOrio seconded to approve the first reading of Ordinance No. 55-10. All members present voting: Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Peters. Abstain: Kiesling. No: 0.</p> <p>Mr. Revoldt: Motion to suspend the rules for Ordinance No. 55-10.</p> <p>Mr. Davies moved and Mr. DeOrio seconded to suspend the rules for Ordinance No. 55-10. All members present voting: Yes: Snyder, Davies, DeOrio, Foltz, Peters, Revoldt. Abstain: Kiesling. No: 0.</p> <p>Mr. Revoldt: Motion to adopt under the rules as suspended, Ordinance 55-10.</p> <p>Mr. Davies moved and Mr. DeOrio seconded to adopt under suspension of the rules Ordinance No. 55-10. All members present voting: Yes: Davies, DeOrio, Foltz, Peters, Revoldt, Snyder. Abstain: Kiesling. No: 0.</p>			
14.	<p>Mr. Revoldt: Item 14. Motion to read by title only, first reading, Ordinance No. 56-20.</p> <p>Mr. DeOrio moved and Mrs. Kiesling seconded to read by title only, first reading, Ordinance No. 56-10.</p> <p>Mr. Revoldt: Excuse me, that should be 56-10.</p> <p>Mrs. Kalpac: Yes.</p> <p>Mrs. Kiesling: Oh, gosh, it does say "20".</p>			

RECORD OF PROCEEDINGS

REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 28, 7:00 p.m. 10
20

Mr. Revoldt: Let me have a motion to read by title only, first reading, Ordinance No. 56-10.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading**, Ordinance No. 56-10. All members present voting:
Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.
No: 0.

Ordinance No. 56-10 – 1st Reading – Finance & Property

An ordinance authorizing the Director of Finance of the City of North Canton to make payment to Plain Township in the amount of Twenty-Six Thousand Two Hundred Sixty-Seven Dollars and Sixty-Two Cents (\$26,267.62) for payment of property tax reparations due through tax year 2009 and declaring the same to be an emergency.

Mr. Snyder: Mr. President and Members of Council, this is the City's share, it's part of our twelve (12) year agreement. It's mandated by Ohio Revised Code that we pay back to the Township the reparation amount that was taken when we annexed that area into the City of North Canton and we've received invoices, been properly documented and duly authorized to pay.

Mr. Revoldt: Any questions or comments? Seeing none, then a motion to adopt the first reading of Ordinance No. 56-10.

Mr. DeOrio moved and Mrs. Kiesling seconded to **approve the first reading** of Ordinance No. 56-10. All members present voting:
Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.
No: 0.

Mr. Revoldt: Motion to suspend the rules for Ordinance No. 56-10.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 56-10. All members present voting:
Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.
No: 0.

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance No. 56-10.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 56-10. All members present voting:
Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.
No: 0.

15. Mr. Revoldt: Item 15. Motion to read by title only, first reading, Ordinance No. 57-10.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading** Ordinance No. 57-10. All members present voting:
Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.
No: 0.

Ordinance No. 57-10 – 1st Reading – Finance & Property

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Water Treatment Replacement, Expansion & Improvement and Sewer Treatment Funds to the Facilities – Inside Water Lines and Facilities – Sewer Lines Accounts in the amount of \$375,000 for the current expenses during the fiscal year ending December 31, 2010, and declaring the same to be an emergency.

Mr. Snyder: Mr. President and Members of Council, this is for the North Main Waterline and Sewer Project from 7th to Applegate. The County has taken care of that through the CDBG Funding. We have to now appropriate our fair share which – the bills are paid. We have to move it from the unappropriated account to the

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held	Monday, June 28,	7:00 p.m.	10
			20

appropriated account to balance the books. We're one of the few entities that do enjoy balanced books so we want to keep it that way so we want to move ahead.

Mr. Revoldt: Are there any questions or comments?

Mr. DeOrio: Move for adoption of Ordinance No. 57-10.

Mr. Davies: Second.

Mr. DeOrio moved and Mr. Davies seconded to **approve the first reading** of Ordinance No. 57-10. All members present voting:

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.

No: 0.

Mr. Revoldt: Motion to suspend the rules for Ordinance No. 57-10.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 57-10. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.

No: 0.

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance No. 57-10.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 57-10. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0.

Mr. Revoldt: That concludes the formal portion of our business this evening. I do need from Council, if I may, a voice vote to authorize the placement, at no charge to the taxpayers, within the next water bill, a promotional piece for the Veteran's Memorial.

Mr. DeOrio moved and Mr. Foltz seconded to authorize the placement, at no charge to the taxpayers, within the next water bill, a promotional piece for the Veteran's Memorial.

Mr. Revoldt: It's been moved and seconded. Clerk. All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0.

REPORTS:

Mr. Revoldt: Reports, Director of Law.

Mr. Nilges: None.

Mr. Revoldt: Director of Finance.

Mr. Zumbar: Yes sir. I have several things to report out on.

Mr. Davies: Were you going to put off public speaks...

Mr. Revoldt: I'll come back to that.

Mr. Davies: Okay.

Mr. Zumbar: The first item is on the audit. The audit is going down. We anticipate a post-audit hearing sometime mid to late July. I will notify Council when the Auditors confirm the date and time but that will be outside the Sunshine Law, so anything that's discussed in it will be confidential and kept confidential until the audit has been released. Again, I will get back to Council when they set the date and time. The second item is the \$700,000 series 2010 Arrowhead note has been re-issued. It's interest rate is a lock-in at 4-1/2%. This past note, the interest generated was \$35,900. The third item is the \$100,000 annual payment to CIC was made on June 24, 2010, as we continue to commit to what the voters have already passed and agreed to. The fourth item is the OWDA loan payment will be made probably on July 1. I anticipate that to take place. It's about \$482,000 paying down our debt and our obligations for the Water Treatment Plant and the expansion that

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 28, 7:00 p.m. 10
20

has taken place over the last several years. Number five is the 2009 Consumer Confidence Report will be mailed out with this utility bill mailing coming up here on Wednesday or Thursday. The residents should have it first part of July. The sixth thing is the alternative tax budget for 2010 will be due on August 20. Again very similar to last year. I will prepare all the documentation once we get the July figures in. You will have it for you when you come back. We will ask for emergency legislation on that because we have to have it to the County Auditor by the 20th of August. So, if I can indulge Council again for their willingness to move forward with emergency language on that, I'd appreciate it. The last item is again, the utility bill, with the rate study being completed and with Council adopting the sewer rate increases this evening, I will make sure that the sewer portion is broken out to show the Canton charges, the North Canton charges and the County charges. That concludes my report, Mr. President.

Mr. Snyder: That begins in the July billing?

Mr. Zumbar: That will happen in the July billing. I'll try to get it in this billing but it might be a little tight.

Mr. Revoldt: Mr. Wise.

Mr. Wise: Yes, there was earlier mention of some workers over at Bitzer Park last week. That relates to the World War II Memorial, actually it's more than World War II but the Veteran's Memorial. Council has passed an ordinance in which the City, through the Administration, I believe at the Administration's direction, is working in cooperation with a non-profit organization. They are raising funds, erecting a wall. Bitzer Park is City property. The Memorial itself will be City property. The crews were over there as they were a lot of places this week, cleaning up in preparation for the 4th of July festivities, a lot of which take place in the park. There was a worker who "was injured" might be a pretty strong term. He hit his head. His neck was stiff and sore. He was seen by a chiropractor and the chiropractor sent him straight back to work and if he felt any injury or pain, he was to go home. He worked that day and the following Monday. He worked today. So, that's what was taking place over in Bitzer Park as it takes place every year. In this particular instance, there's an ongoing construction site. There was scaffolding, there was a cement mixer, there was a big pile of sand, there was a big pile of dirt that had been filled out for the construction of the Memorial, those were cleaned up – moved in tight against the Memorial so it wouldn't present a hazard and there was a big pile of dirt that was taken out that was taken away by the City for disposal. Thank you.

Mr. Revoldt: Mayor.

Mayor Held: Yes, this 4th of July we have the festivities that will take place on July 5 rather than on July 4. So that's Monday, July 5 and as our annual festivities, we'll have the two (2) mile race. If anyone wants to run or walk in that – that will start at 8:10 and then we've got the five (5) mile race which will start at 8:30 and then following that, we'll have the 4th of July parade and that will start at Dogwood and will head all the way down to the Middle School. That will step off at 10:30. So all are welcome to come and attend. That's all I have. Thank you.

Mr. Revoldt: Mr. Benekos.

Mr. Benekos: No report.

Mr. Revoldt: Mr. Bowles.

Mr. Bowles: Last Tuesday, the City of North Canton held it's all day session at the State of Ohio to review the Due-Diligence activities of the State Job Ready Sites Program Grant that we received in the year 2008. Once again the project was an entire day for them to view. As part of the project, the utilities were reviewed. The capacities were reviewed. We have representatives of all the utility companies at one segment as well as Rich Steinhebel, Rich Rhodes, Bruce Bernhard, Tom Chufar, Tom Hampton, and Gary Coen were there as well, representing the City at certain elements of the meeting. At the conclusion of the meeting we were told that the City is doing a good job at this point in time and we're far ahead of a lot of the other communities in the second round as far as the certification. So we're moving forward and we have another sixteen (16) months for certification but by the end of the sixteenth (16th) month, we'll be on track to get the certification as required through the grant. End of report.

Mayor Held: Good job, Eric.

g:\minutes 2010\6-28-10 cm minutes.docx

DAYTON LEGAL BLANK INC. FORM NO. 10148

Monday, June 28,

7:00 p.m.

10

Held

20

Mr. Revoldt: Any questions? Clerk.

Clerk: No report.

Mr. Revoldt: Mr. Foltz.

Mr. Foltz: Yeah. I appreciate Mr. Wise's comments on the Veteran's Memorial over at the park. I think it's great to have us involved with them in any way, shape or form to make this project a success. It's a great asset for our community. I do this numerous times with contractors in the city parks so it isn't anything new. It is our property. We do have an ordinance and I'm very pleased with the progress being made over there. The second thing – I appreciate Council's consensus for the Little League. I think they're a big part of our community. Obviously, we want to keep the fields green with watering anyway we can, and I wasn't able to make the last Committee Meeting but I appreciate the comments made here, the discussion and the ultimate result of doing something positive for the kids in our community. The little girls and boys get to play on those fields. We are marveled at as far as our Little League Conference and Leagues and just facilities. And they stepped up years ago when my kids played through it to raise money. They managed that whole entire thing themselves. They built it themselves with very little help from the City. We obviously have the parking lot but we could expand that in future years to come but it's such a positive thing for our youth. Why wouldn't we want to help them make this more cost efficient for everybody involved. Okay, that's my two cents, so thank you to Council – let it pass tonight.

Mr. Revoldt: Mr. Peters.

Mr. Peters: Yes, a couple comments. First of all, I want to thank Chuck. I appreciate the comments tonight and I agree with you. Moving forward, we start negotiations, the next round, the collective bargaining, what next June, and these are going to be items that you specifically mentioned. These are going to be items that we address. Furthermore, I'm hoping to have on the agenda next week for consideration, the exempt ordinance. And what that is for folks that don't know, these are the folks that work for the City, they're not under collective bargaining agreements. They're at will employees and we're looking to address all the points you brought up. So, hopefully, we can use that as a model moving forward to next year. That's it.

Mr. Revoldt: Mr. Davies.

Mr. Davies: Briefly, the only thing I would say about the War Memorial – everybody here is all for the War Memorial. It is an asset to North Canton. However, the Committee that is putting this together said they had the money, they would build it, and then deed it over to the City and I think, you know, to me, an implied contract and they should have handled the cleanup and so forth. It's really part of the building of the Memorial and I think Chuck has a point. That's all I have to say.

Mr. Revoldt: Mr. DeOrio.

Mr. DeOrio: In regard to collective bargaining agreements, I'd just like to temper our emotions a bit on this because I think what we'll do is, I think we'll just get too far ahead of ourselves. The contracts that we have represented trend lines that were decades in the making – decades. While we were still in high school, these contracts were moving along in the direction and largely the guiding or the overriding concern at any time was really downplayed because we had Hoover. It really, you can afford to be generous – you could afford to avoid confrontation by awarding things that you might not normally have done; and this has been going on for decades. I agree to the extent that there are things in there – there are so many that you can't possibly resolve all of them at one (1) time. Particularly as it relates to the two (2) conciliatory units which drive 70% of the payroll costs. As the Administrator quite aptly pointed out, if we go to conciliation and we want zero (0) and they want ten (10), the conciliator picks one (1) of the two (2), not anything in between. It's zero (0) or ten (10). So it's a gamble by the City. Over the years as these negotiations have come to light and there was a start to move towards, we need the City to recoup some of that investment. The decision would be overlaid by, do we want to go into conciliation, because if we lose at conciliation, we could lose more. So, your hands are tied to the extent this go-around, we were able to get, I shouldn't say we were able to get, to the extent that in the fact-finding process,

RECORD OF PROCEEDINGS

REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 28, 7:00 p.m. 10
20

that the fact-finder found in our favor I think represents more of an environment of what's going on around Ohio, around the nation, with trying to rein in public spending and it's that knowledge that the fact-finder has that puts him in the position where he is ruling in our favor. I don't think it's because, no disrespect, that we have the brightest minds in the room negotiating for us, although they were very bright, but it was more so, I think, that that's the environment that we find ourselves in as Member Davies says, the world is changed. That, come the next go round, could go like that or maybe it will still be here, that sentiment. Maybe these economic troubles that we're going to work our way through around the country will take years and years to improve upon and if they do, then we'll benefit from that and we'll certainly continue to, you know, advance the ball so to speak, to get the City in a better financial position but we all have to realize that it's not going to be an all or nothing, that we won't get everything that we want, but I think if you look at what the Council has done, the Administration has done, over the last five (5) years, it's a direction that we've moved the other way. It's a trend line and to the extent that that trend continues, the City will continue to benefit; but a lot of it is outside of our control. Thank you for your indulgence.

Mr. Revoldt: Mrs. Kiesling.

Mrs. Kiesling: Just a comment. Thank you, Doug, for your comments about the Little League. Obviously, it's near and dear to my heart and just to update, we're up 9-0 against Massillon right now. Our 12 year old (inaudible) 14, so, it's very much worth it. We appreciate it.

Mr. Revoldt: Mr. Snyder.

Mr. Snyder: Thank you. I would, at this point, publicly I want to thank Director Wise, Engineer Benekos, Superintendent Chufar – I've had a problem develop over on Salway with a tremendous amount of water coming from the roadways and other areas that with not proper drainage for it, we had a meeting with the neighbors and in a torrential downpour rain, those gentlemen stood there toe to toe with me and talked to those residents. Gentlemen, I do very very much appreciate that. That's beyond the call on their own time – might I say it was at 4:30 so I very much thank you for that and I know my constituents are appreciative and we hope that, Mayor, that we are able to address that problem for them and gentlemen, I appreciate that. Thank you. That's all, Mr. President.

Mayor Held: Mr. President, I'm sorry, before you have closing comments, I'd like to just add one more comment, if you don't mind. Dr. Giammarco is in the audience and I'm not sure how many of you have had an opportunity to meet him, but Dr. Giammarco has always been very generous with his time. He's been a great leader in the City for a number of years, particularly with the Little League and I know that you care very dearly about those athletes and their families and it's apparent on opening day because, Dr. Giammarco gives credit to everybody else but himself and when you think about the Little League, we have 400 athletes and 400 competitors, so that's 800 athletes that we roll through here on any given weekend, playing on those fields and in addition to that, it's at least what, close to 2500-3000 parents, grandparents that roll through with those 800 athletes and that's why we have a parking problem over there, with the Little League. But it's a good problem and when they roll into town, they eat at our restaurants and they patronize our retail shops and it makes a big big difference and so I appreciate also Council's support on working with the Little League to drill the well. It's been something that I know Dr. Giammarco has been working on for a number of years and with a little bit of communication and cooperation, we'll be able to get it done and I thank Council and special thanks to Dr. Giammarco for all you do.

(Inaudible from audience)

Mr. Revoldt: Moving on, I'd like to remind everyone that in light of the 4th of July holiday, our next Committee of the Whole Meeting will be Tuesday, July 6 and I'd like to ask Council, if I can, a particularly unique and tragic situation has come to my attention this evening. I'd like you in the next few minutes to perhaps consider taking some emergency action to address this really horrible situation. What I'd like to have is an amendment to Chapter 1507 Open Burning. As you know, it requires that fires only be outside and I'm going to ask that we, frankly, should permit them to

DAYTON LEGAL BLANK, INC. FORM NO. 1014R

Held	Monday, June 28,	7:00 p.m.	10
			20

be inside. We should also suspend the requirement for permit for these large fires and we state, in terms of fuel material, that it should only be firewood and I would submit to you that had we had this ordinance changed earlier, we might be able to acknowledge Jon Snyder's 64th birthday. It would be one whale of a blaze but, Jon, I think I can speak for the rest of Council, as a matter of fact when Gail even mentioned it, she pulled up at my request, the Beatles' song, *When I'm 64*, and that's what it is and I'm just going to say, you know, will you still love me when I'm 64?

Mr. Snyder: Well, I appreciate that, thank you very much (inaudible).

Mr. Revoldt: So, is there anything else that needs to come before this Council? Yes, sir.

Mr. Daniluk: George Daniluk, 502 Werstler. Some of this has already been covered but I'll repeat it anyway. For months the public has been forewarned that the City will be in a financial dilemma in 2011 and a financial crisis in 2012. Yet last week the Repository reported that contract talks were concluded with all employee groups. All involved received wage increases in varying amounts. Apparently, the fact-finders, at least in their opinion, felt money was available. My question is, as a result of these new agreements, does the City realize a reduction in operating costs which would be acceptable or an increase in the projected deficits which would be irresponsible. If it increases the deficit, then we have become oblivious to the recommendations of the recent State Audit that reviewed the City's financial well being. It would appear we are racing down the deficit road and no one can find the brake pedal. Falling into the hole we are creating isn't very painful. It's really going to hurt when we hit bottom. If you don't mind, I would like to sit down when I hear some of your responses.

Mr. Revoldt: Mr. Daniluk, I will respond to you. I think Mr. DeOrio has eloquently described the collective bargaining environment in which we exist. If you'd like to spend some more time in discussion with Hans or Director of Administration Wise or the Finance Director, I would certainly encourage you to spend the time to do it. It would be well worth the time you spent to educate yourself about the challenges we face. Now, unfortunately, what did not come up in the discussion tonight, was when we began the bargaining process, we did have a very long list of items that we would like to negotiate. We were partially successful and as Mr. DeOrio indicated, there is a real risk that if the matter goes to the conciliator, we might lose it all. In addition, we have to weigh the costs of labor dispute and labor litigation. It's expensive, so, we got something out of these contract negotiations, to-wit: A substantially increased health care contribution and the elimination from the contract of certain expensive overtime requirements. Did we get it all, we did not. I don't think any member here is particularly pleased with the fact that we gave wages – wage increases. I did get one and I'm pretty sure most of the people around this table have not had wage increases for the last year. That said, we are going to balance this budget. What that means is, and I've said it before, when it's balanced, it will undoubtedly be balanced on the backs of some employees who will lose their jobs. There's no other way around it. So those who negotiated, yep, they got it. They got a raise. The fact of the matter is, some of those employees for whom they negotiated, will be without work when we balance this budget. The law requires that the budget be balanced. Unlike the Constitution, we are acutely aware of the dilemma we face.

Mr. Daniluk: Do we know if the net effect of all of these negotiations was favorable to the City?

Mr. Revoldt: Yes, it was reasonably favorable from the standpoint we achieved savings in overtime which has been well documented at our last meeting and publicly announced as well as a larger contribution in healthcare. Instead of 4, we got 8. Is it the standard, no. But that's what we got. If you have a better approach, I would certainly encourage you and Mr. Osborne to go to Columbus and discuss it with the House and the Senate, because we operate under the rules that were established in the 1980's and those parameters, particularly for safety forces, those laws, set the rules.

RECORD OF PROCEEDINGS

REGULAR

Minutes of

Meeting

COUNCIL OF THE CITY OF NORTH CANTON

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, June 28, 7:00 p.m. 10
20

Mr. Daniluk: I think Mr. Snyder hit it on the nose. When Hoover was here, we were flush with money. When you negotiate, we gave a lot because, I feel that if you give the union whatever they want, you'll have very fair conditions with them. And you get these creeping changes that don't go away. I would remind the people here, you hear people complaining about their pension – my pension when I retired in 1995 was \$177.80 a month. My pension 15 years later is \$177.80 a month.

Mr. Revoldt: Well, you know, I would argue that to your point, that Mrs. Kiesling, when we went to the public for the EMS levy, we went for only two (2) years and at 1-1/2%. We are aware that individuals like you who are on a fixed income are hard pressed.

Mr. Daniluk: I'm not hard pressed...

Mr. Revoldt: Well...

Mr. Daniluk: I look out for myself, I'm independently covered.

Mr. Revoldt: I understand that. I understand that, but, you know, having probably been one of those who sat around this Council table early on, when the City had \$24,000,000 in the bank, it made it very difficult to win a conciliator's favor. Again, that was a reflection of the way the laws were written. So, we hear you loud and clear. May I have a motion to adjourn?

ADJOURN:

Mr. DeOrio moved and Mr. Davies seconded to **adjourn**.

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0.

The meeting adjourned at 7:53 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL